

**Notice of Allowability**

Application No.

09/710,654

Examiner

Haresh Patel

Applicant(s)

BARTHOLOMEW, ALAN

Art Unit

2154

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/3/2005.
2. ☒ The allowed claim(s) is/are 89-116.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 1/31/2006.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Joseph K. Mayo on January 31, 2006.

#### *Amendment to the Claims*

3. Please cancel claims 132-138.
4. Please amend claims 89, 98, 99 and 101 as below.
5. Claim 89 (currently amended): A system for sharing media ~~to~~ for playback comprising:  
a first computer system configured to connect to a server via a communication network;  
wherein said server comprises references to audio data stored on said server, where said audio data is from a plurality of sources and is stored in condition for ~~retrieval or~~ playback;  
wherein said first computer system is configured to obtain said references to said audio data from said server;  
wherein said first computer system is configured to create a mediagram specified by a creator user wherein said mediagram comprises said references enabling ~~retrieval or~~ playback of said audio data wherein said mediagram comprises an atomic unit having at least one reference to said audio data and a set of media attributes;

wherein said first computer system is configured to publish said mediagram to said server via said communication network;

wherein said server is configured to receive and store said mediagram that comprises said references enabling ~~retrieval or~~ playback of said audio data;

wherein said mediagram is referenced in an ordered list on said server;

wherein at least one ~~third~~ another peer computer system is configured to connect to said server via said communication network;

wherein said server is configured to cause said ordered list comprising said mediagram to be displayed on said at least one ~~third~~ another peer computer system in a way that enables a user of said at least one ~~third~~ another peer computer system to select a list item for ~~retrieval or~~ playback to said at least one ~~third~~ another peer computer system; ~~and~~,

wherein said ordered list and contents of said ordered list are altered dynamically as a result of input provided to said ordered list; and

wherein said set of media attributes contained in said mediagram is changed on said server and said server is configured to propagate changes to said mediagram automatically.

6. Claim 98 (currently amended): The system of claim 89 wherein said audio data referenced by said mediagram is retrieved via download to said at least one ~~third~~ another peer computer system.

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7. Claim 99 (currently amended): The system of claim 89 wherein said audio data referenced by said mediagram is sent to said at least one ~~third~~ another peer computer system from a media streaming server.

8. Claim 101 (currently amended): The system of claim 100 wherein said peer computer is said at least one ~~third~~ another peer computer system.

***Allowable Subject Matter***

9. Claims 89-116 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

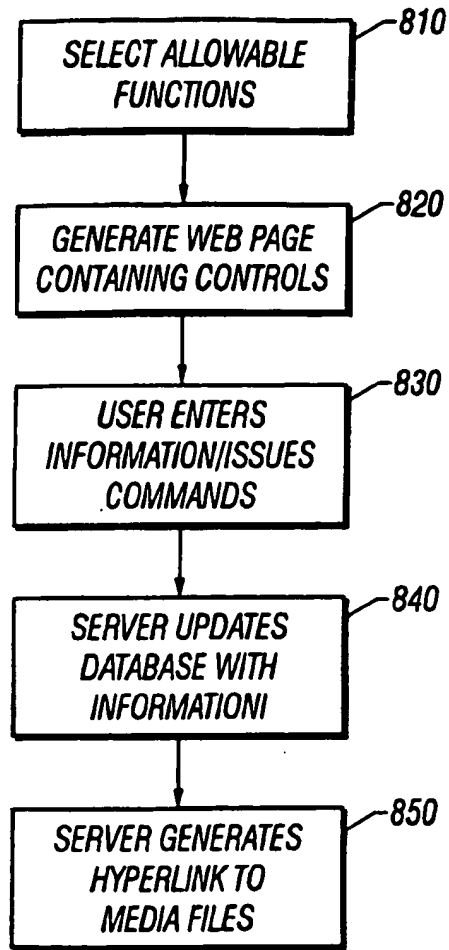
Haresh Patel

February 2, 2006

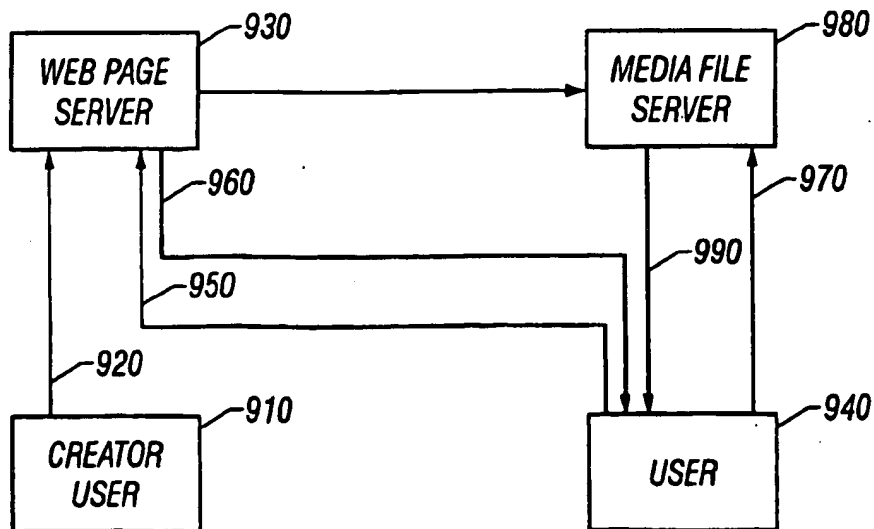
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"Not Entered"  
H.P.  
2/1/05



**FIGURE 8**



**FIGURE 9**